

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

<i>In Re:</i>	§	Case No. 19-70013-EVR
Bay Area Regional Medical Center, LLC	§	
	§	
<i>Debtor</i>	§	Chapter 7

**EXPEDITED APPLICATION FOR RETENTION OF BRETT NEAL AND SHATTUCK
LLC AS AUCTIONEER/BROKER TO SELL ASSETS OF
THE ESTATE PURSUANT TO 11 U.S.C §327(a)**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

EXPEDITED RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED; YOU SHOULD FILE AN IMMEDIATE RESPONSE. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY

Represented parties should act through their attorney.

COMES NOW Catherine Stone Curtis, Trustee (the “**Trustee**” or the “**Applicant**”), the duly appointed and acting Trustee in the above-captioned bankruptcy case, and hereby makes *Expedited Application for Retention of Brett Neal and Shattuck LLC as Auctioneer/Broker to Sell Assets of the Estate* (the “**Application**”), and would show the Court the following in support:

1. Bay Area Regional Medical Center LLC (the “**Debtor**”) filed this chapter 7 case on January 10, 2019. Catherine Stone Curtis was appointed as the Chapter 7 Trustee.

2. The assets of the bankruptcy estate include non-exempt personal property which Trustee intends to sell pursuant to 11 U.S.C. §363 (the “Property”), including but not limited to: non-exempt medical supplies listed on the Debtors’ schedule A/B, including:

Medical Disposables/Supplies, including, but not limited to, bandages, saline solution, and other disposables used by the Debtor during its pre-petition operation as a community hospital in the Houston, Texas, area.

3. Applicant would further show that Brett Neal (“**Neal**”) of Shattuck LLC, Texas License No. 16863, with offices at 2301 East Saint Elmo Road, Austin, Texas, 78704, telephone (512) 482-0270, is a duly licensed auctioneer in the state of Texas, and is therefore qualified to act as auctioneer/broker for this estate.

4. No other professionals in the same profession have been previously employed pursuant to Court order in this case to sell the medical disposables and supplies described above.

5. The terms of compensation to Neal shall be as follows, subject to review by the Court, and provided that payment of any compensation and expenses shall only be by and upon order of this Court:

Fifteen percent (15%) of the gross sales price, plus reasonable expenses, with a 10% buyer’s premium to be retained by the auctioneer and returned to the estate if sold by auction; and

Ten percent (10%) of the gross sales price, plus reasonable expenses, if brokered and/or if sold by individual sale.

No compensation will be paid until a fee application has been filed and approved by the court, pursuant to 11 U.S.C. §328(a) and the requirements of any other applicable case law.

6. No compensation has been received by Neal prior to the filing of this application. Neal represents no interest adverse to the estate. Attached hereto as Exhibits “A” and “B”, respectively, are the Disclosure of Compensation under 11 U.S.C. §329 and Bankruptcy Rule

2016(b) and the affidavit of Neal that he has no interest adverse to this estate.

7. **Expedited Relief Requested**. The Trustee requests expedited consideration and a shortened notice period to file objections/responses to Tuesday, March 5, 2019, at 5:00 p.m., of this Motion as the Trustee has been made aware through the Debtor's representative at the 341 Meeting that the saline solution included in the medical disposables has an expiration date of April 2019.

WHEREFORE, PREMISES CONSIDERED, Catherine Stone Curtis, Chapter 7 Trustee, prays that she be authorized to retain Brett Neal as her auctioneer in the above Chapter 7 proceeding, and for such other relief as is just.

Respectfully submitted,

Date: February 26, 2019

/S/CATHERINE STONE CURTIS
Catherine Stone Curtis
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Chapter 7 Trustee

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served on the counsel for debtor and the United States Trustee by electronic service according to BLR 9003 on February 20, 2019.

VIA ELECTRONIC NOTICE:

U.S. Trustee

US Trustee
606 N Carancahua
Corpus Christi, TX 78401

VIA ELECTRONIC NOTICE AND VIA FIRST CLASS MAIL:

Bay Area Regional Medical Center, LLC

7670 Woodway Drive

Suite 160

Houston, TX 77063 *Debtor*

Richard L Fuqua, II

Fuqua & Associates, PC

5005 Riverway

Ste. 250

Houston, TX 77056

Debtor's Counsel

And to all parties requesting notice, via ECF Notice.

/S/CATHERINE STONE CURTIS

Catherine Stone Curtis